

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE: )  
 ) Chapter 13  
LEWIS O. TAYLOR )  
 ) Case No. 13-35349-KLP  
Debtor. )

VANDERBILT MORTGAGE AND )  
FINANCE, INC., )

Movant, )

v. )

LEWIS O. TAYLOR )  
P.O. Box 322 )  
Blackstone, Virginia 23824 )

and )

ROBERT E. HYMAN, TRUSTEE )  
P.O. Box 1780 )  
Richmond, Virginia 23218-1780 )

Respondents. )

ALSO SERVE: )

ROBERT B. DUKE, JR., ESQ. )  
America Law Group Inc. )  
dba The Debt Law Group )  
207A South Main Street )  
Blackstone, Virginia 23824 )

**NOTICE OF MOTION and  
MOTION FOR RELIEF  
FROM STAY**

**NOTICE OF MOTION AND HEARING**

*Your rights may be affected.* You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

WOODS ROGERS PLC  
ATTORNEYS AT LAW

Richard C. Maxwell, Esq. (VSB #23554)  
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*Counsel for Movant*

{#1662814-1, 999-999}

If you do not wish the Court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within 14 days from the date of service of this motion, you must file a written response explaining your position with the Court and serve a copy on the movant. Unless a written response is filed and served within this 14-day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the 14-day period.

A preliminary hearing is scheduled to be held on **February 26, 2014 at 11:00 a.m.** in Courtroom 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, Virginia.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

### **MOTION FOR RELIEF**

COMES NOW, Vanderbilt Mortgage and Finance, Inc. ("Movant"), by counsel, and respectfully requests that the automatic stay provisions of 11 U.S.C. Section 362 be rescinded and for its reasons states as follows:

1. The United States Bankruptcy Court for the Eastern District of Virginia has jurisdiction over this Motion for Relief from Stay pursuant to 11 U.S.C. Section 362, 28 U.S.C. Section 1334, 28 U.S.C. Section 157(a) and Rules of Bankruptcy Procedure 4001 and 9014.
2. On September 15, 2000, Lewis O. Taylor ("Debtor") entered into a Manufactured Home Promissory Note, Security Agreement and Disclosure Statement for the purchase of a 1999 Clayton Mobile Home, Manufacturer's Serial No. HHC012398NCAB (the "Mobile Home"), payment of which is secured by the Mobile Home and a Deed of Trust dated September 15, 2000 as to real property known as 1205 Piney Green Road, Crewe, Virginia 23930, located in Nottoway County, Virginia ("Real Property"), and more particularly described as follows:

All that certain lot or parcel of land situate, lying and being in Blendon Magisterial District, Nottoway County, Virginia, containing 5.20 acres, more or less, and shown as Lot D on a survey by Robert W. Timberlake, L.S., entitled "Piney Run" dated May 18, 1999, revised December 20, 1999, and recorded in the Clerk's Office of the Circuit Court of Nottoway County, Virginia, in Plat Book 5, at page 261.

BEING a portion of the property conveyed to Lewis O. Taylor by E. Grice Galleher, Trustee, by deed dated September 12, 2000, and recorded in the Clerk's Office of the Circuit Court of Nottoway County, Virginia, in Deed Book 329, at page 728.

3. Debtor filed a petition pursuant to Chapter 13, Title 11 of the United States Code on October 3, 2013.
4. The Debtor's confirmed Chapter 13 Plan provides for monthly payments to be paid directly to Movant for the Mobile Home.
5. The Debtor has failed to make the monthly payments according to the Chapter 13 Plan and is currently in default for the November and December 2013 and the January 2014 payments. The total amount due is \$2,322.51. The failure to timely make the monthly payments according to the Chapter 13 Plan constitutes cause sufficient to terminate the automatic stay.
6. Failure to lift the stay and allow Movant to take possession of the Mobile Home and Real Property will result in irreparable harm, loss and damage to Movant.

WHEREFORE, pursuant to 11 U.S.C. Section 362(d)(1), Movant respectfully requests that the automatic stay in effect pursuant 11 U.S.C. Section 362 be terminated as to it, in order that it may protect its interests and for such other and further relief as is just.

WOODS ROGERS PLC  
ATTORNEYS AT LAW

VANDERBILT MORTGAGE AND  
FINANCE, INC.

By: /s/ Richard C. Maxwell  
Of Counsel

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*Counsel for Movant*

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of January, 2014 the foregoing was filed electronically with the U.S. Bankruptcy Court, was served electronically on those parties who are CM/ECF participants, and was served by U.S. Postal Service on those parties who are non-CM/ECF participants. The foregoing was served on:

Lewis O. Taylor  
P.O. Box 322  
Blackstone, VA 23824

Robert B. Duke, Jr.  
America Law Group Inc.  
Dba The Debt Law Group  
207A South Main Street  
Blackstone, VA 23824

Robert E. Hyman, Trustee  
P.O. Box 1780  
Richmond, VA 23218-1780

/s/ Richard C. Maxwell